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*Attorneys for Defendants Interstate Battery System of
America, Inc., and Interstate Battery System International, Inc.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

DENO MILANO,

Plaintiff,

vs.

INTERSTATE BATTERY SYSTEM OF
AMERICA, INC.; INTERSTATE BATTERY
SYSTEM INTERNATIONAL, INC.,

Defendants.

Case No. C 10-02125 CW

**JOINT STATUS REPORT, STIPULATION,
AND [~~PROPOSED~~] ORDER SETTING
DATES**

JOINT STATUS REPORT

By stipulation dated December 21, 2011, (Doc. #63), the parties informed the Court that new developments led the parties to reconsider the class action settlement agreement that the Court preliminarily approved on December 1, 2011. (Doc. #62.) The Court entered an Order extending all existing deadlines by 60 days and ordering this Joint Status Report. (Doc. #63.)

Since that time, the parties have worked together to agree on an new approach to this class action settlement. The parties are in the final stage of reducing the terms of this new approach to writing in the Amended Settlement Agreement; the parties recognize that the new settlement approach will need to be preliminarily approved by the Court.

While the new approach is substantially similar to the original settlement agreement previously approved by this Court, it does have some new aspects, including a broader class definition that provides the settlement benefits to more Interstate Batteries' customers over a longer period of time.

The parties propose that the Court set a deadline of February 8, 2012, for the filing of the Amended Settlement Agreement and renewed motion for preliminary approval. The parties further propose that a hearing on that motion be scheduled for February 23, 2012, or such later date and time as is convenient for the Court.

STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and through the undersigned attorneys for Plaintiff Deno Milano and Defendants Interstate Battery System of America, Inc., and Interstate Battery System International, Inc., subject to the Court's approval, that:

1. All deadlines currently in place shall be terminated.
2. The fairness hearing currently scheduled for March 8, 2012, shall be taken off calendar.
3. Plaintiff shall file the Amended Settlement Agreement and the preliminary approval papers no later than February 8, 2012.
4. A hearing on the renewed motion for preliminary approval shall be set for February 23, 2012, at 2:00 p.m.

IT IS SO STIPULATED.

1 DATED: January 27, 2012

GIRARD GIBBS LLP

2 By: /s/Eric H. Gibbs

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9 DATED: January 27, 2012

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Attorneys for Defendants

22 **PURSUANT TO STIPULATION, IT IS ORDERED.** The hearing on the renewed motion
23 for preliminary approval shall be set for **March 8, 2012**, at 2:00 p.m.

24 Date: 1/30/2012

25 
26 Judge Claudia Wilken
27 United States District Judge
28